

REMARKS

Claims 1-7 remain pending. Claims 1 and 5 have been amended. Applicant respectfully requests reconsideration of the pending rejection based on the following comments.

Claim Rejections Under 35 U.S.C. § 103(a)

Claims 1-7 were rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 6,389,454 to Ralston et al. ("Ralston") in view of U.S. Patent Application Publication No. 2002/0007287 to Straube et al. ("Straube"). In discussing the Ralston and Straube references, Applicant is making no admission that these references have a filing date that predates the present invention.

In the current Office Action, in the Response to Arguments Section, the Examiner makes two points. First, the Examiner states that the claim language does not specifically recite that the server system determines whether schedules associated with the patient identification and resource identification are stored in local memory to the server system. It is noted that, prior to amendment, claim 5 specifically states, "said server system is to determine if said schedules are stored in said local memory." Claim 1 has been amended to recite "determining by the server system whether schedules ... are stored in local cache memory of said server system" (emphasis supplied). Accordingly, the first point made in the Response to Arguments section has been addressed.

Second, the Office Action states,

“In addition, Straube discloses the user requesting information from database server 111, wherein the system first checks the database server 111 for the information (i.e., local to the server), wherein the data may be downloaded from data warehouse 112 (¶ 0038). As such, the client software in Straube indeed determines, at the server system, whether schedules associated with the patient identification and resource identification are stored in local memory to the server system.”

Applicant respectfully disagrees. The text of ¶ 0038 must be read in light of the entire Straube reference. In Re Wesslau, 147 U.S.P.Q. (BNA) 391, 393 (C.C.P.A. 1965) (“It is impermissible within the framework of § 103 to pick and choose from any one reference only so much of it as will support a given position, to the exclusion of other parts necessary to the full appreciation of what such reference fairly suggests to one of ordinary skill in the art.”). The “client software” referred to by the Examiner is software running on a client computer as described in ¶ 0033 (“A web server 107 may be used to facilitate communications between client software running on a user’s computer 101, 103, and a data base server 111.”)(emphasis supplied). In view of this, the text of Straube and an explanation are provided below:

Text of Straube ¶ 0038	Explanation
If a user requests information from a database server 111 and the result yields a large block of data, such as an image, the client software may first check for a local copy of the data.	A request is sent by the client computer 101 to the database server 111. The database server 111 sends back information about the requested file (e.g., its size). The client computer 101 looks to see if the file it is requesting is stored locally (at client computer 101).
If a local copy exists, date and time stamps or other identifiers can be compared.	If a local copy exists, then date and time stamps or other identifiers supplied by the server 111 can be compared to the identifiers

	associated with the file stored locally at the client computer 101.
If the identifier comparison shows that data stored in the data warehouse 112 is newer than that which is stored locally, the data is downloaded from the data warehouse 112.	If the file in the data warehouse 112 is newer than that which is stored at the client computer 101, the data is downloaded from the data warehouse 112 to the client computer 101 via the server 111.
However, if the local copy has the same identifier or is newer than the copy on the database server 111, the local copy may be used, thus avoiding a lengthy download.	If the file in the client computer 101 is newer than the file on the database server 111, the local copy at the client computer 101 may be used instead of downloading a copy of the file.

Returning to the “Response to Arguments” section of the current Office Action, it states, “[a]s such, the client software in Straube indeed determines, at the server system, whether schedules associated with the patient identification and resource identification are stored in local memory to the server system.” (emphasis supplied). In Straube, the client software, which is running at the client (e.g. computer 101) is to determine whether a copy of the file the client is requesting is stored locally to the client. The claim language states that a server is to receive a request from a client, and in response, the server is to determine whether the requested data is stored local to the server. Claims 1 and 5 have been amended to bring out that the local memory is the local cache memory of the server. There is no teaching or suggestion in Straube that the server 111 is to determine whether the file being requested by the client 101 is stored in local cache memory of the server 111. Moreover, there is no teaching or suggestion of this feature in the Straube and/or Ralston references taken singularly or in combination. Accordingly, reconsideration and withdrawal of the rejection of claims 1-7 under 35 U.S.C. § 103(a) is respectfully requested.

S/N: 10/028,093
Response dated 7/7/06
Response to Office Action dated 4/7/06

CONCLUSION

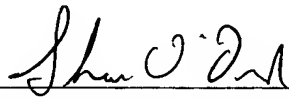
For all the above reasons, the Applicant respectfully submits that this application is in condition for allowance. A Notice of Allowance is earnestly solicited.

The Examiner is invited to contact the undersigned at (202) 220-4255 to discuss any matter concerning this application. The Office is hereby authorized to charge any additional fees or credit any overpayments under 37 C.F.R. § 1.16 or § 1.17 to Deposit Account No. 11-0600.

Respectfully submitted,
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